1925
(Courts)

F No: 22 25

S.L No 17-23-25

Grant of four months preparatory leave to Sri A. Vishwanatha Muddiah Special Second grade magistrate Davanagere and the appointment of Sri M.K. Shivashekara Rao Head magistrate Hosadurga Court Shimoga as a third grade magistrate during the period.

App. F. IX-4

1925.

File No. 22-25-

Previous References
do 209-25 (1-2)
" 15-20 (11-12)
" 18-22 (1+41)
Later References 23-)
do 10-24-18.

Coorbo)

Serial Nos. 14-23+ 25

preserve

General and Revenue Secretariat.

Serial Nos. Eight

Part B for December 1926

SUBJECT

Grant of four months privilege leave to Mr. A. Viswanatha Mudaliar, Special Second grade Naib, Davangere and the appointment of Mr. M. K. Srinivasankara Rao, Head Munshi, Dist. Court Shimoga as a special Second Grade Naib during the period

Mohn. No. P. 11603 dt 24-3-26

Form Compiled

notifies the above

Ramaswamy Iyengar
1/10/27

G. R. S. III—1] 1925-26.

GENERAL AND REVENUE SECRETARIAT.

Courts

NOTES.

File No. 22

FILE HEADING.

Investiture of special magistrates with powers

From The Registrar, High Court

ROC No. 755 Dated 5-1-1926 Received 6-1-1926

Diary No. 2718 | Enclos. 1 | Spare Copies. | Serial No. 17

BRIEF ABSTRACT OF LETTER.

Forwards a copy of letter from the D. M. Vellalady and recommends for reasons explained that the first class powers conferred on mr. Visvanatha Mudaliar Special Second grade magistrate, Batticaloa may be withdrawn as he is now in charge of the Batticaloa Special Second class magistrate's court.

NOTES AND ORDERS.

Subt with a draft for orders

7/1/26

As powers under 357 & Breach of Contract can be given only to a Magistrate, withdrawal of powers of a magistrate affects these powers also. Although he is to be invested afresh with 1st and 2nd Class powers Draft may contain all these powers. Given as a precaution in case that acting under the assumption that the Magistrate has powers. Revised draft may be put up. Cag 15/1

NOTES—First sheet.

WD 1881—GPB—30,000—1-8-21.

2

General and Revenue Secretariat

File No. 22 of 192 [illegible]

Serial No.

3) Draft withdrawing the 1st Class powers of Mr A. Viswanathan & investing him with Second Class powers is put up as recommended by the Chief Court.

4) It is submitted, however, that the Distt magistrate's query is confined to the following point:- viz whether he can entertain appeals against the decisions of the magistrate & whether the Calendars of the magistrate have to be sent up to the Sessions Court. The law is definite on the point and there was no need for a reference to the Chief Court. Sec 408 of the Code of Criminal Procedure prescribes that appeals from the decisions of a first Class magistrate lie to the Court of Session Sec 407 allows appeals from 2nd & 3rd Class magistrates orders to the District magistrate. It is the Class of magistrate & not the Class of Cases that determines the court of appeal. There appears to be no room for any doubt on the point. Mr Viswanathan Mudaliar carries his first Class powers as he was transferred ~~for~~ as Second Class magistrate from one Court to another.

5) There is nothing wrong or illegal in the arrangement, and the point raised by the Chief Court about powers of punishment does not seem to be weighty. It cannot be presumed that a magistrate of a lower Class will inflict a heavier punishment

NOTE—Contn. Sheet

Serial No.

for the same offence than a Magistrate of the 3rd Class. The Punishment will be regulated according to the facts & nature of each case. However, it is not in the case of Davangere alone that this situation arises, as every first grade Magistrate in each District is trying 2nd & 3 class cases of either a City or a taluk. The same argument will apply in the case of all.

6) The Second Class Court in Bangalore stands on the same footing & if the 1st Class powers of the Mr. Visvanatham have to be withdrawn for reasons stated, the 1st Class powers of Mr. Suryanarayana Sastri may have to be withdrawn for the same reasons. When Mr. Suryanarayana Sastri was to be invested with powers, the Member was pleased to order that as the gentleman had exercised 1st Class powers before, he may be invested with 1st Class powers, though he was to be in Charge of a Second Class Court. As there is nothing illegal in the present arrangement and as occasions may arise to transfer cases to the Magistrates & as there is no inconvenience in preferring appeals to the Sessions Judge (this all the same to the parties whether it is Shimoga or Chitaldroog they have to go to & many people prefer appeals to the Sessions Judge), it may not perhaps be quite desirable to withdraw 1st

NOTE—Contn. Sheet

Serial No.

From
The Legal Remembrancer
Letter No. 7553 dated 15/1/26
Invites reference to his letters dated 5th January 1926 and requests early orders on the withdrawal of 1st class powers conferred on Mr. K. Viswanatha Mudaliar.
Reminder is also sent.
26/1/26

Class powers exercised for sometime, & to re-invest the magistrate with lower powers. A section of the public may think it a degradation. Draft is however, submitted in accordance with the recommendation of the Chief Court. Submitted for orders

(Ld Secy)

1st Nov.

Cag 16.1

446 19/1

I do not see the necessity to withdraw the first class powers conferred on Mr. K. Viswanatha Mudaliar

(Ld Secy) puts up the file and wants to know whether the proposing the jurisdiction of the several orders in the C. Dist. Ct

Cag 20/1.

20.1

Cs 20/1

Read with C/S file 275-26 (1 to 18). Flag K is the notification fixing the territorial jurisdiction of the Special Magistrates courts in the Chingleput

(1st Member)

Cag 21.1

558 22.1

BO 21/1/26

21/1

NOTE—Contn. Sheet

Serial No.

W I so as consider if desirable to introduce in first class Magistrates powers already conferred on Mr A V Thakkar.

11) Davangere being an important trade centre it may be of advantage to have a first class Magistrate stationed at the place. If the City Civil Court have no objection, the territorial jurisdiction of the Davangere Taluk Magistrate under S.O of 31-7-25 may be altered so as to give him jurisdiction over the first class cases of the Taluk & Davangere (including Harihar Sub-T) Harihar & Harihar; as even then the work will not be very heavy. The City Civil Court may be requested to favour Govt with their opinion on the above suggestion in consultation with the Dist Judge.

12) (In the event of a first class Magistrate not being required at Davangere, he could be transferred to some other Taluk for which a first class Magistrate is required. Any other Taluk of 2nd class Magistrate power posted to the Taluk).

cag 26/1

cag 26/1

15) Submitted with draft. 14) Issue

cag 27.1

27/1/26

27/1

P.T.O.

NOTE—Contn. Sheet

Serial No.

18. To the Registrar Chief Court.
No P3726 D 29-1-26.
Request to favour Govt with the opinion of the Chief Court in Consultation with the D.M. Chittaldrug if necessary.

Chief Court 30/1

From

19 The D.M. Chitaldrug: Letter no C/1208 d 6-2-26
Forwards a copy of letter addressed to the Registrar Chief Court in the matter of grant of jurisdiction over first class cases to Mr. A. Viswanatha Mudaliar and requests that early orders might be passed as parties to bail and other applicants are put to much trouble in moving about from court to court.

Submd.

15/ The opinion of the Chief Court has been called for as to whether Mr. Viswanatha Mudaliar cannot be given jurisdiction over 1st class cases also. and the receipt of reply may perhaps be awaited. As the D.M. himself has reminded the Registrar Chief Court no reminders from this office to the Registrar seem necessary.

B/
10/2/26
Asst Supdt

From

20 The Registrar Chief Court letter no Roc 753 d 12-2-26
Forwards a copy of letter dt 5-2-26 from the D.M. Chitaldrug and states that the Chief Court agree with the D.M. in that they do not consider it necessary to enhance the jurisdiction of Mr A Viswanatha Mudaliar.

Serial No.

16) It is stated in the D.m's letter that mr: A. Viswanatha Mudaliar has applied for 3 months privilege leave and that he has recommended the grant of leave. If leave to mr: A. V. Mudaliar is sanctioned and another magistrate who is exercising only second class powers is posted, the question of withdrawing the 1st class powers conferred on mr A. V. Mudaliar does not arise.

Yes - this will avoid further Controversy

17) The Hony. Court may perhaps decide the powers of appeal by the D. m. in cases tried by mr: A. V. Mudaliar and for orders

Yes - on the Distt magistrate

18) The Chief Court & the Distt magistrate are not in favour of allowing the magistrate at Davangere to try first class cases, mainly on the ground that the 1st class magistrate's work at Chitaldroog will be further lightened.

17/2/26

19) In para 3 of his letter, the Distt magistrate says that mr Viswanatha Mudaliar has applied for 3 months leave, & suggests that the leave may be granted & for a magistrate with Second Class powers posted there. This may solve the problem for the present.

20) As regards instructions sought in the last para, the Chief Court will have to instruct the Distt magistrate who has approached them. As already stated in the notes the law is clear on that point.

21) Subject to reference to paras 10—12

(Secy to Govt)

Ca

NOTE—Contn. Sheet

548/20.2

WD 1264—GPB—40,000—17-12-25
App. F. III—2]

General and Revenue Secretariat

C5 File No. 3281/25 of 1925-26

Serial No.

2) In the circumstances stated by the DM as also by the Chief Conservator of Forests in his letter dated 4 a case in which a first class Magistrate is required at present a second class Magistrate is deputed. This may be considered as the Deputy Chief Conservator of Forests has been applied for in D.O. letter dated 20/2 and the same may be submitted as soon as it is received.

C5 22/2

20/2

20/2

22/2

From

The Registrar, Ch. Ct. Docket no 106 Q & C dated 23.2.26 submits an application for leave on behalf of Mr. A Viswanatha Mudaliar Special Second grade magistrate Davanagere together with the Compounder's Certificate.

2) Mr. A Viswanatha Mudaliar has applied for four months Privilege leave to which he is entitled as per compounder's certificate. The leave is proposed to be availed from 10th March 1926 or subsequent date from which he may avail himself of the same. The DM. requests that another magistrate with Second class powers may be posted during the period. The appointment of a

NOTE—Contn. Sheet

Serial No.

Reg C

Magistrate is for orders. Dy Regr applicant is also subd

24/2/26 24) Dorft sanctioning the leave & the file in which the Member was pleased to order that Mr Venkataramanayya's Case may be put when there is a vacancy, may be putup

25) cug 24/2

25/2 25) Subd with a draft

26) the file required is also put up (Vide linked file)

25/2/26 27) Dorft sanctioning the leave is put up Para 2 of the draft relating to the acting arrangements of the orders Mr Venkataramanayya's case is also Subd as per orders in his application

27 cug 25/2

1-3 cug 1-3

28) The I-L for 4 months applied for by Mr Viswanatha Naidu Second Grade Magistrate may be sanctioned ~~to Mr S K Venkataramanayya~~

Dewan

4/3/26

NOTE—Contn. Sheet

3490 - P 25

J.P. 169

S. 3.26

MEMO OF INTERVIEW WITH THE DEWAN.

10

Friday 5 MAR. 1926 *192*

Notes.

., not intended for permanent record.]

Name of Interviewer—

K. Krishnamurthi

Representation in brief—

Mr C. Sivaswamy Rao
Asst C

Wrong entry of post

Headmaster
Utter Shungs.

Rec'd a file about
them

Pl. see instruct

Reconnection with
y Vacancy y Dewanpur.

Chief yrs with Compts

Read
The file relating to the representa
of Mr M Krishnamacharlu
and Jamabandi occasion is put up
Vide Page 2.
The file relating to the Davanag
Special Magistrate's vacancy
has been ordered. To Trichy members
for orders about the 3rd February 1926

6/3/26
AM 6/3

The file were marked
to the Dewan —

Chief Sec'
Chief Sec'
Legislative Compts

2
6/3
2
9/3
2
8/3
2
9/3

1st Read.
There may be
submitted down
a cmte of Members
for

10
10/3

346 Dewan

9/3

General and Revenue Secretariat

Vol. File No. 22 of 192 5

Serial No.

30) What is the Vacancy
may Reference?

4
8
9.3

31) His present pay is Rs 100 w.e. from 1921 &
the date of entry into Service is 27th Nov. 1916.
(Vide Flag H (Gradation List).

Dewan. 8
9.3

32) Please submit
previous Correspondence

4
10

33) Flag B in File No 109-24 (placed below)
Contains the original order of appointment.
Flags Q, I, & P contain orders continuing
him to act on two occasions -

Dewan. 8
10/3

34) With reference
below Judy will kindly
refer the Secretariat
Record Department
who may issue
orders regarding
Vacancy
Dewan 12/3

Dewan
Vacancy
Vacancy
Vacancy

Serial No.

35 Dupty-Collector Erode.

36 This seems to require the sanction under Note (2) to clause V of the Schedule. because no eligibility list for appointment as Dist Magistrate has been prepared and approved by the Govt.

Govt
Law
16/3/26 1st member. 8d 18/3

40) As the Secretary to the Council matter. it may be desirable to circulate in Council. The Law Member to Devan approve? if so Dy 13/3

41) May be disposed of by the Secretary to Devan. 8d 18/3

42) May be disposed of by Council & Commissioner the Chief Secretary if Collector Dy 14.3

1st to 41 on issues already read & 2nd to 42. 8d 16/3

43) I find that out of 29 Magistrates only 14 are non-Brahmans and the present proposal will reduce the number to 13. I regret I cannot agree to it. The Chief Judge is not adequate & the volume of feeling in the country, & I do think we should recommend that a non-Brahmin Law Member should be selected. Dy 16/3

4) S
16-3

Note to C.P.S. Pro. Consultation Rule 44.

7994 16/3

NOTE—Contn. Sheet

WD 01264—GPB—40,000—17-12-25

eneral and Revenue Secretariat

File No. 22 of 1925 13/12

Serial No.	
11)	No non Brahmin shd be available for the Shar Vacancy, & there is no objection for passing over the claims of the Scott Head who be elected

We
17/3

Dewan.

17.3

NOTE—Contn. Sheet

Hills d.
W 3 3/26

GOVERNMENT OF MYSORE

My dear Sir Albion,

U S) I do not often bother you with the claims of men in the just, but there is one case which I think merits your consideration - that is the case of Mr. M. Swasankara Rao B.A. B.L. son of Mr. M. Krishna Rao son-in-law of Mr. Kavimath Krishnamurthi who no doubt is well known to you. The latter represents

17

s after 3 years trial not be
ems to me to have very preferent
ims over most others –

His work in Ht. Mt. has been
dently satisfactory. He is of
ellent character – quiet well
mmend very intelligent
. I commend him to your
ini Comm?

With regard

Yrs sincerely

that there will be a vacancy of a 3rd grade Instr. & consequent on the grant of four months leave to Mr. Visvanatha Mooty from Davangere —

Mr. Sivasankara Rao in 1917 or 1918 was appointed probationer in the Jeol. Dept and after three years was retrenched out.

He then unwisely accepted temporary employment as a Hd Clk in the Dy. Coml. Shimoga where he remains & seems likely to remain unless you can see your way to recognize his claims & make him a 3rd grade Instr. As a man who was a probationer for three years under a definite offer of appointment as an Officer & who for no fault of his own

17

Hillside.
11/3 3/26

...ces after 3 years Lunds not to be
...eem. t me to have a very prepara...
claims over most others—

His work as Hd Ma. has been
entirely satisfactory. He is of
excellent character — quiet well
mannered very intelligent
so I commend him to your
kind notice

With regards

Yrs sincerely

J B Summit

My dear Sir Albion

I do not often bother you
with the claims of men in the field,
but there is one case which I think
merits your consideration — that is
the case of Mr. M. Swaminathan
Rao B.A. B.L son of Mr. M. Krishna
Rao son-in-law of Mr. Kennet
Krishnamachari who we don't want to
lose, more than you. The latter expres...

CONFIDENTIAL. C 463. 69/16

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Papers connected with an acting vacancy in the Third Grade Magistrates' cadre caused by the grant of four months' leave to Mr.Visvanatha Modaliar, Second Grade Magistrate, Davangere.

re 677

(69) Order.

KRM

22/3/26

50) Chief Secy

Urgent

Jom

WD 01264—GPB—40,000—17-12-25
App. F. III—2]

3364

General and Revenue Secretariat

Cf. File No. 22 of 1925-26 16A

Serial No.

22 To the Compiler Mg. Note no 4603 / 24-3-26
Sanctions the powers under Privilege leave to Mr A Vijayanatha Reddiar Special Second grade Magistrate Davanagere with effect from the date he may avail himself of the same and appoints Mr M K Sivasankarappa BA BL Asst Munsiff St. Court Shimoga to act as Special Magistrate third grade and posts him to the charge of the Special Magistrate's Court Davanagere
S.O.(2) Issue order accordingly inviting note powers

Place file taken by the Supdt. Cage Pay Dy

25/3/26 25/3
S.O.(1) Draft may be apprd 25/3
12½ n.

646/26.3

S.O.(2) Issue 25/3 25/3
26 27.3 27.3

23. To
The Compiler Mg
Note 4628 D 27.3.26.
Notifies the insertion of Mr Sivasankara Rao with powers.
To The Dt Magte Chitradurg
The Regr Chief Court
Note 4629 / 31 D 27-3-26
Ack Copy & the above

3/4

Mr Vijayanatha Reddiar received memo

5/4/26

NOTE—Contn. Sheet

Serial No

(A)

51) A Supt. D.O. letter to the Select Judge is Srtd (Vide para 3 of the Order note).

52) Mr. Viswanatha Moorty is a Second Grade Magte. Mr. Srinivasachary Rao is appointed to act as a Third Grade Magte against the acty Vacancy in the 2nd Grade Vice Mr. Viswanatha Moorty on leave.

53) No Third Grade Magte has been promoted to act in the 2nd Grade. The 1st Member has suggested that the Senior Third Grade Magte Mr. M.R. Sundara Rao may be promoted to act in the 2nd Grade. (Vide his note dt 4/3/26.

54) This point is Resolved for orders

hm
24/3/26

[illegible]
25/3/26

Re A, I do not think that a suggestion to recommend the Chief Court to propose a name as the Vacancy should be filled up in accordance with the ordinary rules of Recruitment according to which non Brahmin candidates have to be proposed & Brahmin candidate in respect

General and Revenue Secretariat

No File No. P 3369 22 of 1925.

Serial No.

I recommend appointment subject to certain conditions

Re 53. I have already expressed (56) the opinion that the Senior Stenographers may be appointed as the Second grade if no Hindi clerk

(57) This may be submitted again for Dewan's orders in the above points

Dy 20/3

Dewan 21/3

(58) The rules may be revised to include

Urdu

Translation

Hindi

Clerk

4/3/25

834/24.3

(54) The appointment of Senior Stenographers (in the Secretariat) and as 2nd grade Stenographers has not been approved by the Regency. Approval of which I shall be pleased before ~~the~~ ~~appointments~~ the appointments are made by the Dewan

Dy 25/3

P.T.O.

NOTE—Contn. Sheet

P 3369 24 20

G./R. S. III-21

General and Revenue Secretariat. | No. File No. 22 of 1925

Serial No.

(6) The pay of the third grade keeper is 150-25/2-250 & that of the 2nd grade keeper is 250-25-450. The Sweepers who can be appointed a third grade keeper after a vacancy is created in the 2nd grade & the remaining Sweepers who will form the lowest grade will never receive the [illegible] have been posted to Darrang but he can only be appointed as 3rd grade keeper. The D.S.R. seems therefore wrong

Dewan 1/4/26

(7) In my opinion the alternative of keeping up the existing 3 grade cadre is the best.

4/4

(8) Director Public Instn
5/4/26

[illegible] 5/4/26

123
6/4

(9) Seen. I think the notn. in the Stg. Committee proceedings is not very urgent. I may write an order after this orders are received on the Darrang

NOTE—Contn. sheet.

(10) note Dewan [illegible] 6/4 [illegible] 7/4

(21 28

Submitted to His Highness.

68) As per His Highness' orders dated the 22nd March 1926 Mr. M. K. Sivasankara Rao, Head Munshi, District Court, Shimoga, has been appointed to act as Third Grade Magistrate during the absence of Mr.A. Visvanatha Mudaliar on privilege leave for four months.

67) Mr. Visvanatha Mudaliar is a permanent Second Grade Magistrate and so there is a temporary vacancy in this grade during his absence on leave. The First Member of Council has proposed that the senior among the Third Grade Magistrates, Mr. M. R. SundaraRao, B.A., B.L., may be appointed to act in the Second Grade during the period.

Page 9 of office Notes

68) The recommendation of the First Member may be graciously approved.

7.4.26

Bangalore,
7th April 1926

TSS.

C464. 26

Record of Cases submitted for the Orders of His Highness the Maharaja.

726

Subject.

Appointment of Mr. M.R.Sundara Rao as acting Second Grade Magistrate.

Order.

69) KRW
8/4/26

70) Chief Secy
9 APR. 1926

General and Revenue Secretariat.

C 464.

Appointment of Mr. M.R. Sundara Rao, as acting Second Grade Magistrate.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

71) Circulated to the Members of Council for perusal of His Highness' orders $\frac{\text{before}}{\text{after}}$ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Govt.

Through the Secretary to Government.

.....Department.

72) Drop not more

FIRST MEMBER OF COUNCIL. 269/9.4

SECOND MEMBER OF COUNCIL.

~~THIRD MEMBER OF COUNCIL.~~

NOTE—Contn. sheet.

Mono WD 1190—GPB—500 9-1-3.

Serial No.

Wh no 2709/CB 1925-1 dy 12.4.26

Appoints mr: M R Sundaradas, Special Third grade magistrate to act as Special Second grade magistrate during the absence of mr A Viswanatha Mudaliar on privilege leave.

From

The Registrar Hcrief Court. Letter no Nil dy 26/3/26

Requests early orders in the matter of the powers of appeal of the Dists. from the decisions of mr: A Viswanatha Mudaliar.

Submd

73) Kind reference is invited to para 20 of the notes above and if approved the Chief Court will be informed that the Chief Court may answer the D. M. as regards his powers of appeal from the decisions of mr. A Viswanatha Mudaliar

27/4/27 ADC 27/4

74. There is a point for orders, in this file, raised by the Dt Magistrate viz whether the decisions of Mr Viswanatha Mudaliar are to be considered as those of a I class magistrate (a) for purposes of appeal & (b) for submission of Calendars

75 The points had been discussed in paras 2 & 6 above & orders are to be passed.

NOTE—Contn. Sheet

Serial No.

Before ~~making any~~ passing any orders and issuing instructions to the Dh magte there is a point for consideration viz as whether Govt can issue any such instructions.

76) (a) The question as to whether for purposes of appeal the Dy C. must be considered to be a Class magistrate is to be decided upon the interpretation of Sections 40 and 408 Cr. Pro. Code ~~Govt~~ Govt may not perhaps undertake the function of interpreting the law to the Dh magistrate, which they have to do in order to answer the queries of the Dh magte.

77) Supposing however, Govt takes one view it is possible that the parties concerned in the cases of appeals may contend otherwise and when the matter goes up to the chief court, the view expressed here may be opposed to the view of Govt.

78) It is therefore submitted that Govt Dh magte may be asked to ~~consider~~ to give a ruling on the point, as to whether he has certain appeals or bail applications.

79) With regard to submitting

Serial No

Embezzling Calenders = the rules on this subject were issued by the Chief Court Vide page 50 - General Rules and orders - Criminal Vol I. It is therefore, perhaps the Chief Court that has to interpret the theory of the Govt rule—

4/5

(4 Leg)

80) As I read Section 40 Cr.P.C, I find that the magistrate in question shall continue to exercise the powers of a First class magistrate in Davangere unless Govt otherwise directs, or has otherwise directed.

81) Hence this direction ought to have preceded his posting & cannot therefore have retrospective effect if the direction is given now.

82) This is what seems to be the interpretation to be placed on Sec 40 Cr.P.C. D.M. has to interpret the law and not frame it. It is not for the function of Govt to interpret the law for the guidance of Judicial officers.

83 D.M. may Chief Court may perhaps be informed that the Govt cannot interfere in the matter at this stage & that D.M. may dispose of the appeals if any filed before him in accordance with

Serial No

law.

84) As to the question of withdrawal of 1st class powers, it may be considered when the officer returns from leave

1st Number.

8-0
3-5
8
3-5

63
3-5

85) As regards the Chief Court may we pass an order saying that for the present the Chief Court may hear appeals against the orders of Revenue Courts as at this time considerations is one of a matter to be dealt with by the Chief Court.

86) As however, the Chief Court have asked for the order of Govt in this matter, I will beg say that in the opinion of Govt so long as the Revenue Courts stands invested with the powers of a 1st class Magistrate all appeals against his judgments or orders should be heard by the Sessions Court. Even though they relate to cases tried by a 2nd class Magistrate,

3/5
8
4-5.
4-5

C5 4/5

Send into draft:

8
4/5/26 (three)
1st Nov.
5/5

8
5-5

113
5-5

8
5-5

NOTE.—Contn. Sheet

Serial No

89) -Issue
18
6/5

25. To

The Registrar Chief Court

P.P.P 57/11 D/ 8-5-26

States that so long as Mr Viswanatha Mudr. Stand invested with the powers of a first class Magte, his judgments or orders shd for the purpose of determining the appellate authority be treated as those of a first class Magte even though they may relate to cases tried by a Second class Magte.

B

Mr Viswanatha Mudr. in Para 2 of his letter dated 7.5.26 has raised the question of giving powers of a 2nd class Magte to Dawanagere as well as to Davangere & Harihar. Mr V. Mudr. has been transferred

Appr 12/5

Subd 90)

Kind references invited to para (22) above where the question of giving a Second class magistrate to Davanagere has been raised. Subd for orders.

By 12/5/26 91) Mr Viswanatha Mudaliar's leave expires by about the end of July next.

Appr 12/5 92) Subd for orders with reference to para 22 above.

Chiefly

1st Mr. Please bring with you when you present Dr Magte & Pleader who shd receive

93) this

18
13.5

18
13.5

17/5

18/5.

14/5

9816/17/5

25 18/5

NOTE.—Contn. Sheet

3799

(29

33

G. R. S. 12]

General and Revenue Secretariat.

No. File No. 22 of 1915. 26

Serial No.

94 Send into a statement (Flag 7) showing the ~~present~~ names of Special magistrates of the various courts and the date from which they have been in charge of these courts. It is submitted that ~~for~~ out of 29 Special magistrates' courts, 15 are first class courts and 14 second class courts. Among the 29 magistrates 17 are first class magistrates and 12 second class magistrates. Hence two first class magistrates are in charge of 2 second class courts viz Bangalore and Davanagere. The possible solutions seem to be (1) to withdraw the first class magisterial powers from the Magistrates who are in charge of these 2 courts or (2) to post 2 Assistant Courts who have not exercised magisterial functions for a long time and who are in charge of the first class Courts to the charge of these 2 courts and post these First class Special Magistrates to the first class courts

19/5/26 Ans 9/5/26 95 Pers matter sorted

the member said that this may be brought about the middle of July

21/5

19/7/26

NOTE—Contn. sheet.

GPB—70,000—17-12-15

Serial No.

Subd.

96 Mr. A. Viswanatha Mudaliar has to join duty on 3-8-26. Subd with reference to para 95 above

Dy 13/7/26 Asst 13/7

Dy Lt Secy / Secy

Cag 13-7

Dy 15/7

Cag 15-7

563/15/7

97 A Seems more suitable. Please work up with Chief Secy's recd & Submit proposals

Dy 16/7

Dy Secy

Cag 16-7

16/7

45 17/7

98 In another file it has been ordered that messrs H. Ranjmiah and M. N. Subbanna, menshis may be posted as magistrates. It is noted that these Menshis on they are posted for the first time as magistrates may be given only Second class powers and the following postings ordered in order to remove the anomaly complained of

Mr. H. Ranjmiah - Bangalore Second grade Court

Mr. A. Viswanatha Mudaliar to the Spl. Third Class Court Ranjangud

Mr. M. N. Subbanna - Special 2nd grade Court Savanagere - to join on relief by Mr. S. Krishnamurthy

Since Mr. S. Krishnamurthy will be available for work as Menshi after the Bonus Rotting Cases are over, Mr. Viswanatha Mudaliar will join duty at Savanagere, & to Nanjangud on relieving

NOTE—Contn. Sheet

Revenue Secretariat | C.S. File No. 2-2 35 of 1923.

Serial No

Mr S. Krishnamurthi who will return from relieve Mr: M. V. Subbarama for giving full charge of Davangere. If the above suggestion is accepted, no reposting of Asst. Comrs will be necessary

B/ 17/12/26

(01) Sent to the Member in person. The proposal to post Mr. 17/12 M. V. Subbarama to Davangere & Mr. Viswanathan to Nanjangud is approved. But this can only be possible after the return of Mr. Krishna Murti from special duty. This may be perhaps, after Mr. Krishnamurti's Special duty is over.

Ag. 23/12

05 24/12

Submd

(01) Mr: Krishnamurthi's Special duty is over and he has been granted leave for 3½ months. Mr. M. K. Sivasankara Rao has been appointed to act as Third grade Magistrate and has been posted to Sagar. Perhaps Mr: M. V. Subbarama will have to be posted to Sagar after the leave of Mr S. Krishnamurthi is over.

linked file S

linked file G

02 Please put up above for the file prior to the expiry of leave of Mr. S. Krishna Murti. Ag

B/ 24/12/26

Ldd 15.12.26

23/12

Submd

03 Mr S. Krishnamurthi's leave expires by the beginning of the 3rd week of January 1927.

There is also the question of posting a 1st cl. magistrate to Sagar; vide Asst Secy's note dy 4-10-2 in the linked file. Hitherto the charge has been dealt with in another file (Mr Kamakashaiya's leave). Orders maybe issued Ag 24/12

5-1-27

21/12

21/12/26

B 4/1/27

NOTE—Contn. Sheet

*26814

2718 P 25

Telgm:
"JUSTICE"

CHIEF COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore 5th January 1926

R. O. C. Dis. No. 755

A. Sreenivasaragavachari, Esq., B.A., B.L.,
Registrar, Chief Court of Mysore.

B. NAGAPPA, Esq., Bar-at-Law,
Secretary to Government,
Local and Legislative Departments.

Sir,

In forwarding herewith copy of a letter dated the 18th December 1925 from the District Magistrate, Chitaldrug, I am directed to state that Mr. A. Viswanatha Mudaliar had been invested with the powers of a First Class Magistrate when he was in charge of the Special Magistrate's Court at Hunsur. He has now been transferred to be in charge of the Special Magistrate's Court at Davangere, the territorial jurisdiction of which extends only to second and third class cases, but apparently as his first class powers have not been formally withdrawn, there is some reasor for the doubts expressed by the District Magistrate.

2. In addition to the difficulties represented by the District Magistrate, there is another important question involved as regards the powers of punishment. There are certain offences under the Indian Penal Code, e.g., theft under Section 379, which can be tried by any Magistrate, but the maximum punishment which may be inflicted will vary according to the Magistrate being invested with first, second or third class powers. In other words, if a Second Class

Magistrate tries the offence of theft, he cannot sentence the offender to more than six months' imprisonment, but if the same case is tried by the First Class Magistrate, he may sentence the offender up to two years --- assuming that such punishment is called for on the merits of the case. As Mr. Viswanatha Mudaliar has been transferred as a Second Grade Magistrate to Davangere, he may be said, within the meaning of Section 40, Criminal Procedure Code, to have been transferred to an equally higher office of the same nature and will carry with him his first class powers unless the Government "otherwise directs". I am to observe that the simplest way to get over the difficulty will be for the Government to withdraw the first class powers from Mr. Viswanatha Mudaliar so long as he is in charge of the Court at Davangere and re-invest him with such powers if he is transferred to another Court requiring it.

I have the honour to be,

S i r,

Your most obedient servant,

Sheenivasagowda
5/1/26

REGISTRAR.

TMN/2

MRJ

Letter No.C.J.108/25-26 dated the 18th December 1925 from the District Magistrate, Chitaldrug District to the Registrar, Chief Court of Mysore, Bangalore.

****

Adverting to your memo No.Dl.Dis.92/25-26 dated 21-9-25 forwarding copy of Government Notification No.722 C.B.56-25 dated 18-9-25, re: the transfers and postings of certain Special Magistrates with effect from 1st October 1925, I have the honour to state that Mr. A. Viswanatha Mudaliar, B.A.,B.L., Special Magistrate, 2nd grade, posted to Davangere was, while he was at Hunsur exercising the powers of a First Class Magistrate, as could be seen from G.O. No.13/Cts. Camp dated 24-10-23 published on page 468 Part II of the Mysore Gazette dated 1st November 1923. As under Notification No.P.468/Cts. 275-24-7 dated 30-7-25 the territorial jurisdiction of the Special Magistrate's Court at Davangere extends only to the second and third class cases arising in the taluks of Davangere, Holalkere, Hosadurga and Harihar sub taluk, I request you to be so good as to inform me at an early date if the appeals against the convictions by Mr. A. Viswanatha Mudaliar, the II grade Magistrate who is in charge of the new 2nd class Magistrate's Court at Davangere may be heard by me and whether the calendars received from his court which are now being scrutinized and filed in my office have to be sent up to the Sessions Court as in the case of calendars received from the Courts of 1st class Magistrates.

****

COPY Theenisa Lopamudra

REGISTRAR.

TMN/

MRY

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section C5

File No. 22-25

Seria No. 5/18

Diary No. of letter replied to.....

No. P 3726

To The Registrar Ubhaya Court

General and Revenue Secretariat

( )

the *192*

Date of issue 29/1/26

Signed by W^m Logie

Sir

With reference to your letter no Roc 755 of 5-1-1926 re the withdrawal of first class powers conferred on mr A Viswanatha Special Second grade magistrate of Davanagere, I am directed to state that Govt do not consider desirable to withdraw the first class powers already conferred on mr A Viswanatha Mudaliar. Dav being an important trade centre may be of advantage to have first class magistrate stationed

over

List of enclosures.....

Copied by.....

Examined by.....

WD 0562—GPB—31,000—17-8-25

place, ~~[illegible]~~ and

~~[illegible]~~ if the Chief Court have no

objection, the territorial jurisdiction

of the Davangere magistrate

fixed in ~~[illegible]~~ no 8468 CS 275-24-7 K

of 31-7-1925 may be revised so as

to give him jurisdiction over the first

Class cases also of the Talukas of Davangere

Harihar, Honnali and the Inchalkaranji

Harihar. As even then this work

will not be in any way heavy.

I therefore to request you to

be favour good with the

favour of the Chief Court at the

earliest suggestion in consultation

the Dy. Commissioner if necessary

I have etc

[illegible]

[illegible]

27/11

3204 P

33875

LOCAL AND LEGISLATIVE SECRETARIAT III

PROTECTION BRANCH

Tel: Address:—Dismag, CHITALDRUG.

In reply, please refer to No. C.J.108/25-26
Enclosures. 1

OFFICE OF THE DISTRICT MAGISTRATE,
CHITALDRUG DISTRICT.

Dated Chitaldrug, 6th February 192 6.

Ps 22-25 19

FROM

S. VENKATRANGAM, ESQ., B.A., B.L.,
District Magistrate,
Chitaldrug District.

GENL. & REV. SECTION. 9. FEB. 1926 G. D. SECTION.

To

Bb.

B. Nagappa Esquire Bar-at-Law.,
Secretary to the Government of Mysore,
Local and Legislative Departments, Bangalore.

I have the honor to forward herewith for the information of Government a copy of my letter No. C.J.108/25-26 dated 5th February 1926 to the Registrar, Chief court of Mysore in the matter of the grant of jurisdiction over First class cases to Mr. A. Visvanatha Mudaliar, Special 2nd grade Magistrate of Davangere and to request that as under existing conditions it is difficult to state definitely whether appellate jurisdiction over Mr. Visvanatha Mudaliar's decisi should be exercised by this court or the court of the District and Sessions Judge, Shimoga Division and as parties to Bail and other urgent applications are consequently put to much trouble and expense in moving about from one court to another, orders of Government may kindly be obtained on the subject at an early date. I beg to add tha the Registrar, Chief Court has intimated that a reference has been made to Government by that court in this connection.

I have the honor to be,

S I R,

Your most obedient servant,

Probationary Assistant Commissioner,
for District Magistrate,
Chitaldrug District.
absent from Station.

Address :—Dismag,
CHITALDRUG.

In reply, please refer to
No. C.755/25-26
Enclosures.

OFFICE OF THE DISTRICT MAGISTRATE,
CHITALDRUG DISTRICT.

Dated Chitaldrug, 5th February 192 6

FROM

S. VENKATRANGAM, ESQ., B.A., B.L.,
District Magistrate,
Chitaldrug District.

To

The Registrar, Chief Court of Mysore,
Bangalore.

Sir,

Adverting to your docket No.R.O.C.755/25-26 dated 2nd February 926 calling for my opinion in the matter of granting Mr.A.Visvanatha Mudaliar, Special 2nd grade Magistrate of Davangere jurisdiction over the lst class cases also of the Taluks of Davangere, Harihar and Hosadurga @ and the Sub Taluk of Harihar &c., I have the honor to state that from the

	Cases transferred from other courts on 1-10-25 on the introduction of the separation scheme.	Cases disposed of during the quarter ending 31-12-1925.	No. of cases pending at the end of the quarter.
Special lst class Magistrate's court Chitaldrug.	129(all lst class cases of the Dist: including the 2nd & 3rd class cases of the Chitaldrug Taluk except cases triable by the Bench court.	61	68
Special 2nd class Magistrate's court Davangere.	83	58	25
-Do-- Chitaldrug	101	50	51.

marginally noted statistics of criminal work in the Special Magistrate's courts in this District for the quarter ending 31st December 1925, it will be seen that at present the work in even the Special lst class Magistrate's court, Chitaldrug is comparatively light. Further the file of the Special 2nd class Magistrate's court at Chitaldrug is still lighter and with a view to equalise the work of the two courts, I am considering why the 2nd and 3rd class cases of the Chitaldrug Taluk which are now being tried by the lst class Magistrate should not be transferred to the 2nd class court and in case this proposal is eventually approved, the work in the Special lst class Magistrate's court will become still lighter. In these circumstances, I do not consider it necessary to grant the special 2nd grade Magistrate of Davangere jurisdiction over the lst class cases as well of Davangere, Holalkere and Hosadurga Taluks and

8

Harihar Sub Taluk.

2. The question of abolishing the Bench courts at Davangere and Chitaldrug and taking on their work to the Special 2nd class Magistrates stationed at the places is also being separately investigated but ultimately it may be found more convenient and economical to abolish the 2nd class Special Magistrate's court at Chitaldrug and to have only two special courts in the District, one at Chitaldrug and the other at Davangere both of them exercising 1st, 2nd and 3rd class jurisdiction over the Taluks assigned to them. But this is a matter about which it is rather premature to hazard a definite opinion at present. I shall therefore review the whole position and submit final proposals after the existing arrangements work for some time longer.

3. Mr. Visvanatha Mudaliar who came to Davangere in October last has submitted an application for 3 months' privilege leave. I recommend that the leave prayed for may be sanctioned and another Magistrate with 2nd class powers posted to Davangere at an early date. The leave application of Mr. Visvanatha Mudaliar is being separately forwarded through the Comptroller.

4. In this connection I beg to invite reference to correspondence ending with your No. Ro.C. 755/25-26 dated 12.1.1926 regarding my powers of appeal in cases tried by Mr. Visvanatha Mudaliar and to request that very early orders may be obtained in the matter as 3 appeals/petitions received in this office have had to be allowed to lie over for the present and the party to a bail application presented to me yesterday in a case of conviction and sentence passed by the same Magistrate had to be advised to approach the Sessions Judge, Shimoga Division, who now happens to be holding the sessions at Chitaldrug.

I have the honor to

S I R,

Your most obedient s e,

(Sd) S. Venkatrangam,

District Magistrate
Chitaldrug District

" C O P Y."

R Recommendation

To District Magistrate,
Chitaldrug District.

2259

34636

3281

2718

3209

91

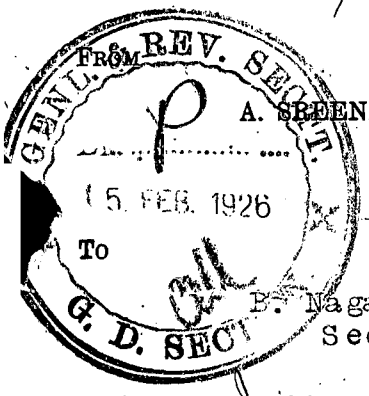
CHIEF COURT OF MYSORE

Bangalore, dated 12th Feb. 1926.

Telegraphic Address. } "JUSTICE

No. Roc. 755/25-26 Enc 1

Ch 22-25-20



FROM A. SREENIVASARAGAVACHARI, ESQ., B.,A., B.L.,
Registrar, Chief Court of Mysore.

To

B. Nagappa Esq., Bar-at-Law,
Secretary to the Government of Mysore,
Local and Legislative Departments,
Bangalore.

SIR,

Adverting to your letter No.P 3726/Cts. 22-25-18 dated the 29th January 1926, stating that Government do not consider it desirable to withdraw the First Class powers already conferred on Mr. Visvanatha Mudaliar, Special 2nd Grade Magistrate, Davangere and requesting opinion of the Chief Court in consultation with the District Magistrate, Chitaldrug, whether the territorial Jurisdiction of the Davangere Magistrate may not be revised so as to give him Jurisdiction over the first class cases also of the Taluks

of

10

of Davangere, Holalkere, Hosadurga and the Sub Taluk of Harihar, I am directed to enclose herein for the information of Government, a copy of the District Magistrate's letter No. C. J. 108 of 25-26 dated the 5th February 1926, and to state that the Chief Court agrees with the District Magistrate in his opinion so far as the question of juris tion of the Second Grade Magistrate's Court, Davangere is concerned.

I have the honour to be,

Sir,

Your most obedient servant,

Registrar 13/2/26

BKC.

Letter No.C.J. 108 of 25-26 dated 5th February 1926 from the District Magistrate, Chitaldrug District, to the Registrar, Chief Court of Mysore, Bangalore.

***

Adverting to your docket No.R.O.C.755/25-26 dated 2nd February 1926 calling for my opinion in the matter of granting Mr. A. Visvanatha Mudaliar, Special 2nd grade Magistrate of Davangere jurisdiction over the 1st class cases also of the Taluks of Davangere, Harihar, and Hosadurga and the Sub Taluk of Harihar &c., I have the honour to state that from the marginally noted statistics of criminal work in the special Magistrate's courts in this District for the quarter ending 31st December 1925, it will be seen that at present the work in even the Special 1st class Magistrate's court, Chitaldrug is comparatively light. Further the file of the Special 2nd class Magistrate's court at Chitaldrug is still lighter and with a view to equalize the work of the two courts, I am considering why the second and 3rd class cases of the Chitaldrug Taluk which are now being tried by the 1st class Magistrate should not be transferred to the 2nd class court and in case this proposal is eventually approved, the work in the Special 1st class Magistrate's court will become still lighter. In these circumstances, I do not consider it

	Cases transferred from other courts on 1-10-25 on the introduction of the separation scheme	Cases disposed of during the quarter ending 31-12-1925.	No.of cases pending at the end of the quarter.
1. Special 1st class Magistrate's Court Chitaldrug.	129(all 1st class cases of the Dist: including the 2nd & 3rd class cases of the Chitaldrug Taluk except cases triable by the Bench court.	61	68
2. Special 2nd class Magistrate's court Davangere	83	58	25
3. --Do-- Chitaldrug	101	50	51

12 it necessary to grant the special 2nd grade Magistrate of Davangere jurisdiction over the 1st class cases as well of Davangere, Holalkere and Hosadurga Taluks and Harihar Sub-Taluk.

2. The question of abolishing the Bench courts at Davangere and Chitaldrug and tacking on their work to the special 2nd class Magistrates stationed at the places is also being separately investigated but ultimately it may be found more convenient and economical to abolish the 2nd class Special Magistrates' court at Chitaldrug and to have only two special courts in the District; one at Chitaldrug and the other at Davangere both of them exercising 1st, 2nd and 3rd class jurisdiction over the taluks assigned to them. But this is a matter about which it is rather premature to hazard a definite opinion at present. I shall therefore review the whole position and submit final proposals after the existing arrangements work for some time longer.

3. Mr. Viswanathan Mudaliar who came to Davangere in October last has submitted an application for 3 months' privilege leave. I recommend that the leave prayed for may be sanctioned and another Magistrate with 2nd class powers posted to Davangere at an early date. The leave application of Mr. Visvanatha Mudaliar is being separately forwarded through the Comptroller.

4. In this connection, I beg to invite reference to correspondence ending with your No.R.O.C.755/25-26 dated 12-1-1926, regarding my powers of appeal in cases tried by Mr. Visvanatha Mudaliar and to request that very early orders may be obtained in the matter as 3 appeal petitions received in this office have had to be allowed to lie over for the present and the party to a bail application presented to me yesterday in a case of conviction and sentence passed by the same Magistrate had to be advised to approach the Sessions Judge, Shimoga Division who now happens to be holding the sessions at Chitaldrug.

"Copy"

***

Registrar.

EKC

2408 35702 Immediate

19 3369/13

A 22-25-21

FROM A. Srinivasaraghavachari Esqr., B.A., B.L.,

~~The~~ Registrar,

Chief Court, Bangalore.

To

B. Nagappa Esq., Bar-at-Law,

THE SECRETARY TO THE
GOVT. OF MYSORE,
Local and Legislative DEPTS

LOCAL AND LEGISLATIVE SECRETARIAT
PROTECTION BRANCH

GENL & REV. SECTT.
Bangalore.
Bb. P
23 FEB. 1926
G. D. SECTION.

Dated 22nd February 1926

Despatched 23rd "

Received Rec

General No. 1981 Rec 1981

No. 25-26 25-26

Enclosure No. ~~One~~ Two

Undersigned has the honor to submit an Application for Leave on behalf of

~~Mr. A. Viswanatha Mudaliar B.A. B.L~~
~~Special 2nd Grade Magistrate,~~
Davangere.

the particulars of which are given overleaf.

*Applicant has recorded the declaration prescribed in Section 412 of the Mysore Service Regulations.

A Srinivasaraghavachari
23/2/26

Registrar.

Rs

* To be omitted in cases other than privilege leave.

GPB—500—16-3-10

1(

APPLICATION FOR LEAVE.

1.	Name of applicant ...	Mr. A. Viswanatha Mudaliar B.A., B.L.,
2.	Rank and salary including allowances.	Special Second Grade Magistrate Rs300/-
3.	District and station ...	Chitaldrug District, Davangere.
4.	Nature of leave applied for and section of the Service Regulations applicable.	Privilege leave for four months under Article 171 M.S.R.
5.	From what date ...	From 10th March 1926 or from subsequent date of availment.
6.	No. and date of Comptroller's certificate in support of the title to the leave, with period and nature of the leave certified to.	Comptroller's Certificate No.83 dated the 16th Feb:1926 stating that the applicant will be entitled to four months' privilege leave on the 10th March 1926, enclosed.
7.	Arrangements proposed for conduct of applicant's duties during his absence, and qualifications of the proposed officiator.	The District Magistrate Chitaldrug states that another Magistrate with only second class powers may be posted to the Special Court at Davangere (Vide his letter No. C.J.108/ 25-26 Dated 5-2-26 Copy enclosed)
8.	Other remarks, if any, such as necessity, urgency, etc.	To enable applicant to proceed to Palani, Tirupathi and other places, to perform certain vows and to settle the marriages of his sisters.

Registrar. 23/2/26

C. O. [illegible]—G. A. D. 6]

COMPTROLLER'S OFFICE.

Finl.]

BANGALORE, 15

No. 83

Dated 16-2-1926

LEAVE CERTIFICATE.

Certified that Mr. A. Visvanatha Mudaliar BA; BL Special 2nd Grade Magistrate, Davangere will be under the Mysore Government is entitled to four months' privilege leave on the 10th March 1926

leave under Aricle 165 of the Mysore Service Regulations.

Forwarded to the

with reference to his docket No. dated 192 .

Asst Comptroller. 16.2.26

2

Copy of letter No. ~~Dated~~ C.J.108 of 25-26 dated 5th February 1926 from The District Magistrate ~~Chitel District~~ Chitaldrug to the Regist Chief Court of Mysore, Bangalore.

Adverting to your docket No.R.O.C.755/25-26 dated 2nd February 1926 calling for my opinion in the matter of granting Mr. A: Visvanath Mudaliar, Special 2nd grade Magistrate of Davangere jurisdiction over 1st class cases also of the Taluks of Davangere, Harihar and Hosadurga and the SUB Taluk of Harihar & c., I have the honour to state that from the marginally noted statistics of criminal work in the special Magistrate courts in this District for the quarter ending 31st December 1925 it will be seen that at present the work in even the Special 1st class Magistrate's court, Chitaldrug is comparatively light. Further the file of the special 2nd class Magistrate's court at Chitaldrug is still lighter and with a view to equalise the work of the two courts, I am considering why the 2nd and 3rd class cases of the Chitaldrug Taluk which are now being tried by the 1st class Magistrate should not be transferred to the 2nd class court and in case this proposal is eventually approved the work in the Special 1st class Magistrate's court will become still lighter. In these circumstances, I do not consider it necessary to grant the special 2nd grade Magistrate of Davangere jurisdiction over the 1st class cases as well of Davangere, Holalkere and Hosadurga Taluks and Harihar Sub Taluk

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2.Special 2nd class Magistrate's court Davangere.	83	58	25
3. -Do- Chitaldrug	101	50	51

2. The question of abolishing the Bench courts at Davangere and

and Chitaldrug and tacking on their work to the Special 2nd class Magistrates stationed at the places is also being separately investigated but ultimately it may be found more convenient and economical to abolish the 2nd class Special Magistrate's Court at Chitaldrug and to have only two special Courts in the District, one at Chitaldrug and the other at Davangere both of them exercising 1st, 2nd and 3rd class jurisdiction over the Taluks assigned to them. But this is a matter about which it is rather premature to hazard a definite opinion at present. I shall therefore review the whole position and submit final proposals after the existing arrangements work for some time longer.

3. Mr. Visvanatha Mudaliar who came to Davangere in October last has submitted an application for 3 months' privilege leave. I recommend that the leave prayed for may be sanctioned and another Magistrate with 2nd class powers posted to Davangere at an early date. The leave application of Mr. Visvanatha Mudaliar is being separately forwarded through the Comptroller.

4. In this connection, I beg to invite reference to correspondence ending with your No.M.C.755/25-26 dated 12-1-1926 regarding my powers of appeal in cases tried by Mr. Visvanatha Mudaliar and to request that very early orders may be obtained in the matter as 3 appeal petitions received in this office have had to be allowed to lie over for the present and the party to a bail application presented to me yesterday in a case of conviction and sentence passed by the same Magistrate had to be advised to approach the Sessions Judge, Shimoga Division who now happens to be holding the sessions at Chitaldrug.

"Copy"

For Registrar.

B&C.

18

To

Sir A. R. Banerji, Kt., M.A., I.C.S., C.S.I.,C.I.E.,
Dewan of Mysore,
B A N G A L O R E.

S i r,

When the introduction of the Separation Scheme into the Chitaldroog District was under contemplation, I presented an application for the post of a Special Magistrate to the then Acting Dewan, Mushir-ul-Mulk Mir Humza Hussein, Esqr., who was pleased to ~~have~~ leave on record his recommendation strongly supporting my claims. At the time when the Scheme was put into operation and appointments had to be made, the Government were pleased to make a reference to the Honourable the Chief Court of Mysore about my work as an Advocate, and the Chief Court were pleased to recommend me, being satisfied with my work. But I was not fortunate enough to get a place then. Now that a vacancy has fallen consequent upon Mr. Visvanatha Mudaliar, Special Magistrate, Davangere, having been granted leave, I pray that I may be appointed to the post.

I may be permitted to mention here a few points set out in my first application. I am an M. A. of the Madras University and a LL. B. of the Bombay University. I have been practising as an Advocate in Bangalore for nearly four years, and I submit herewith for favour of perusal a Certificate about my work. I may also mention in this connection that my father, the late

late Mr. C. B. Seshagiri Rao, served the State for upwards of 35 years in various capacities and retired as Subordinate Judge.

In the light of the foregoing circumstances, I respectfully beg that my application may be favourably considered, and that I be appointed to the vacancy

I beg to remain,

Sir,

Your most obedient servant,

BANGALORE,
12th. March 1926.

C. B. Srinivasa Rao

ADVOCATE AND R. A. MEMBER

(Legal Interests.)

CHIEF COURT OF MYSORE

Bangalore, dated 2nd March 1925.

I have much pleasure to state that I have known Mr. C. B. Sreenivasarow, M.A., LL.B., from his infancy as he is a son of my much esteemed friend Mr. C. B. Seshagirirow and that Mr. Srinivasarow is an young man of rare capacity, intelligence and amiability of character. He appeared before me in several cases and conducted them with much skill and quickness of perception. I am quite sure he will give satisfaction in any situation in life.

Sd/- B. Subbanna,

JUDGE, CHIEF COURT OF MYSORE.

"True Copy"

K.R.Sreenivasa Iyengar Esq., M.A.,

First Member of Council,

Bangalore.

Sir,

I learn that Mr. Viswanath Mudaliar, Special Magistrate, has been granted leave for four months and that consequently a vacancy has fallen in the Special Magistracy. I shall feel grateful if I am appointed to the vacancy. I may mention here that I had applied for a similar vacancy some time back.

To be submitted
to the Leave ...
...
3/3

I beg to remain, sir,

Your most obedient servant,

C. B. Srinivasa Rao

Advocate & R.A. Member
(Legal Interests)

Bangalore,

Date 2-3-26.

G. R. S. VI.—G/1]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE SECRETARIAT.

DATED *Bangalore*, 24/3/1926

No. P4603 NOTIFICATION.

Under Article 171/187 of the Mysore Service Regulations Mr. A. Viswanatha Mudaliar B.A.B.L. Special second grade Magistrate Davanagere is granted privilege leave of absence for four months with effect from 10th March 1926 B/N or ~~the subsequent~~ such date ~~from which~~ as he may avail himself of the same.

2. Mr. M. V. Srivasankara Rao Head Assistt., Distt. Court, Shimoga, is appointed to act as ~~2nd~~ Spl Magte, 3rd Grade, Davangere during the above period or until further orders. Posted for the charge of the 2nd ~~Grade~~ Class Magte's Court ~~at~~ Davangere

By Order,

Secretary to Government.

To

The Compiler, *Mysore Gazette*, for publication.

No. 4604

Copy of the above is forwarded to the District Magistrate Shimoga for information

By Order,

Secretary to Government.

WD.02172—GPB—500—27-4-16

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40128

CHIEF COURT OF MYSORE

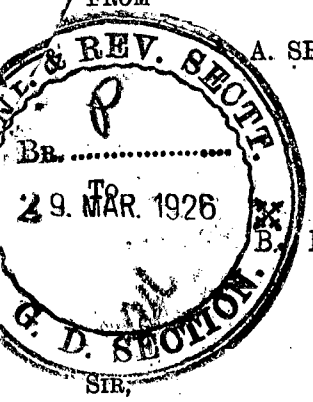
Telegraphic Address. "JUSTICE"

Bangalore, dated 26th March 1926.

No. R.O.C. 755-25-26

FROM

A. SREENIVASARAGAVACHARI, ESQ., B.A., B.L.,
Registrar, Chief Court of Mysore.



To

B. Nagappa, Esq., Bar-at-Law,
Secretary to Government,
Local & Legislative Departments,
Bangalore.

SIR,

I am directed to invite kind reference to the correspondence ending with my letter R.O.C. No.755 of 25-26 dated the 12th February 1926 forwarding copies of letters Nos. C.J. 108 of 25-26 dated the 18th December 1925 and 5th February 1926 from the District Magistrate, Chitaldrug, soliciting instructions in the matter of his powers of appeal in cases tried by Mr. Viswanatha Mudaliar, B.A., B.L., Special Second Grade Magistrate, Davangere , and to request that

that early orders of Government may be passed in the matter, as the District Magistrate, Chitaldrug, has sent another reminder to this office stating that the appeals already preferred to his Court, are allowed to lie over without disposal, pending orders in the matter.

I have the honour to be,

S i r,

Your most obedient servant,

for : REGISTRAR.

MRN.

B323WD748

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

Dated Bangalore, 27/3/1926

No P 4628
Ch 22-25-25

NOTIFICATION.

Under Section 12 of the Code of Criminal Procedure, 1904, T.M.A.Sivashankara Rao, B.A., B.L., Head Munshi, District Court, Shimoga appointed to act as Special Magistrate, Third Grade, and posted to the charge of the Special Magistrate's Court, Davangere, in Notification No.P.4303/Ch.22-25-22 dated 24th March 1926, is appointed a Magistrate of the Second Class, and under Section 37 of the Code he is invested with all the additional powers specified in Schedule IV as powers with which a Magistrate of the Second Class may be invested by Government except the following powers:-

(i) Power to pass sentences of whipping - Section 32.

(ii) Power to commit for trial Section 206

2. Under Section 367 of the said Code, he is also empowered to take down the evidence of witnesses in cases tried by him in his own hand in the English language.

By Order,

Draft) 05/3

Secretary to Government,
Local and Legislative Departments.

To

The Compiler, Mysore Gazette.

Memo No. 4629-31 Ch 27/3/26

Copy to Dt.Magte, Chitaldrug

Registrar, Chief Court

26/3/26

[APP. F. VI. Gl.]

16

SUBJECT.....

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Section CB

File No. 22-25

Seria No. 25

Diary No. of letter replied to.....

No. 85711

General and Revenue Secretariat

( )

the *192*

To The Registrar, Sessions Court.

Sir

Date of issue 8/5/26

Signed by W. [illegible]

With reference to your letter no Roc 755/25-26 dt 26/3/26 requesting that early orders might be passed as regards the power of appeal of the District magistrate from the orders of Mr. B. Viswanatha Medaiar, Special Second grade magistrate, Davanagere, I am directed to state that Govt did not pass orders on the point raised by the D.M. whether any as to the Court competent to hear appeals against the orders

List of enclosures.....

Copied by.....

Examined by.....

over

of Mrs. Prema Mudaliar
as it was considered that
it was a matter to be dealt with
by the Chief Court.

As however the Chief Court
have asked for the orders of Govt.
in the matter, I am
to state that in the opinion of
Govt. so long as Mr. Vishwanatha
Mudaliar stands invested
with the powers of a first
class magistrate, ~~all appeals~~ his judgments & orders
should, for the purpose of determining the appellate authority,
~~against his judgments & orders~~ be treated as
those of a first class magistrate
~~should be heard only by the Court competent~~
~~to try Civil Court~~, Even though they may
relate to cases triable by a
second class magistrate

I am etc

25/5/15

R. Hay

4/5/26